

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

TERRANCE OLIVER	§	
v.	§	CIVIL ACTION NO. 6:10cv466
R. GUNNELS, ET AL.	§	

MEMORANDUM OPINION AND ORDER OF DISMISSAL

The Plaintiff Terrance Oliver, an inmate of the Texas Department of Criminal Justice, Correctional Institutions Division proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges. None of the defendants named in the lawsuit are located in the Eastern District of Texas.


After review of the pleadings, the Magistrate Judge issued a Report recommending that Oliver's complaint concerning the investigation of the grievance which he filed at the Gib Lewis Unit be dismissed as frivolous, and that his remaining claims be transferred to the U.S. District Court for the Southern District of Texas. Oliver did not file objections, and the Court agreed with the Magistrate Judge and ordered the claims from the Gib Lewis Unit to be dismissed with prejudice, and those from the Southern District to be transferred. Final judgment was entered on January 10, 2011.

On January 26, 2011, Oliver filed a motion asking that his case be dismissed without prejudice. In the interest of justice, the Court has concluded that the case should be reopened for the purpose of granting this motion. It is accordingly

ORDERED that the Memorandum Opinion of January 10, 2011 (docket no. 14) is hereby
WITHDRAWN and the case is hereby reopened. It is further

ORDERED that the above-styled civil action is hereby DISMISSED without prejudice on
the motion of the Plaintiff. Rule 41(a), Fed. R. Civ. P.

SIGNED this 31st day of January, 2011.



MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE